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MAR 06 2006

*Director's Office
Office of Patent Publication*

In re Application of :
THAKUR, RANDHIR P.S., et al. :
Application No. 09/654,093 : **DECISION ON PETITION**
Filed: August 31, 2000 :
Attorney Docket No. 303.940US3 :
:

This is a decision on the Petition To Withdraw Holding Of Abandonment Under 37 CFR 1.181, received in the United States Patent & Trademark (USPTO) on February 16, 2006.

The petition is **DISMISSED**.

The above-identified application was held abandoned for Applicants failure to timely pay the issue fee and publication, as required in the Notice of Allowance and Fee(s) due mailed June 9, 2005. The Notice of Abandonment indicates that the submitted fee of \$0 is insufficient. A balance of \$1700 is due. Issue fee required is \$1,400 and the publication fee is \$300.

The Office acknowledges receipt of PART B – FEE(S) TRANSMITTAL on September 9, 2005, authorizing that the Issue Fee, Publication Fee, and Advance Order Copies Fee be charged to Deposit Account No. 13-3092. Unfortunately, on September 12, 2005, when an attempt was made by the Office of Finance to charge such fees, there were insufficient funds in the Deposit Account.

37 CFR 1.25 (a) and (b), which states in part:

1.25(a) ...An amount sufficient to cover all fee, services, copies, etc., requested must always be on deposit. Charges to accounts with insufficient funds will not be accepted."

1.25 (b) ...An authorization to charge a fee to a deposit account will not be considered payment of the fee on the date the authorization to charge the fee is effective as to the particular fee to be charged unless sufficient funds are present in the account to cover the fee.

In light of the non-compliance with 37 CFR 1.25, the holding of abandonment cannot be withdrawn.

Applicant may seek relief by filing a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). (Forms are available at USPTO website <http://www.uspto.gov>)

- Under 37 CFR 1.137(a), a petition for the revival of an *unavoidably* abandoned application
- Under 37 CFR 1.137(b), a petition for the revival of an *unintentionally* abandoned application

There is no indication that law firm herein, Schwegman, Lundberg, Woessner & Kluth P.A., was ever empowered to prosecute the application. The application files does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation and change of address must be submitted. A courtesy copy of this decision will be mailed to the Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

Further inquiries with respect to filing a petition under 37 CFR § 1.137 may be directed to the Office of Petitions at 571-272-3282 or addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
Office of Petitions
P O Box 1450
Alexandria, VA 22313-1450

Telephone inquiries concerning this decision matter may be directed to the undersigned at 703 308-9250.

Thomas E. Hartman

Thomas E. Hawkins
Paralegal Specialist
Office of the Director
Office of Patent Publications

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